

management viewpoints. Nothing in his experience indicates he has the qualifications to perform a job representing Federal employee labor concerns.

Given his background, Federal employee labor organizations are worried about Mr. Eide's ability to perform the functions of his new post. I believe they have good reason to be concerned. I am submitting for the RECORD letters that I have received from Federal labor union leaders in opposition to Mr. Eide's nomination. I ask unanimous consent that these documents be printed in the RECORD at the conclusion of my statement.

As I have previously stated, Mr. Eide has the qualifications to serve in hundreds of positions throughout the Federal Government. General Counsel at the Federal Labor Relations Authority is simply not one of them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL TREASURY EMPLOYEES UNION,

March 26, 2003, Washington, DC.

Hon. RICHARD J. DURBIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURBIN: The National Treasury Employees Union, the largest independent union of federal employees, respectfully opposes the nomination of Peter Eide to be General Counsel of the Federal Labor Relations Authority (FLRA).

As members of the Governmental Affairs committee are aware, the General Counsel of the FLRA is charged with enforcing the provisions of the Federal Sector Labor-Management Relations Statute (FSLMRS). The General Counsel directs the operations of the FLRA's regional offices in their investigation of unfair labor practices and in their conduct of representation matters, such as running elections and making appropriate unit determinations. The General Counsel is the prosecutor for the FLRA; the incumbent determines, in the first instance, whether to pursue alleged misconduct and, if so, under what legal theory. The refusal of the General Counsel to issue a complaint on an alleged unfair labor practice charge is unreviewable. If the General Counsel does issue a complaint, he or she controls the course of the litigation before the FLRA.

Mr. Eide, in our opinion, is not qualified to perform the important responsibilities of the position of General Counsel. Although the General Counsel is the chief prosecuting lawyer for the FLRA, Mr. Eide has not been a practicing lawyer since 1990. Moreover, his legal experience up to the date was confined to private sector labor relations. There is nothing in his record that indicates any experience whatsoever in federal sector labor relations, which differs in many major respects from its private sector counterpart.

Perhaps even more troubling to NTEU, Mr. Eide's work for the last twelve years has been as an advocate for the dilution of statutory protections for employees. As Manager and then Director of Labor Policy for the Chamber of Commerce, Mr. Eide has worked to oppose OSHA regulations on safety and health programs. For example, he has proudly pointed to this role in spearheading a coalition of businesses and associations opposing OSHA ergonomics regulations. He has also worked vigorously to undermine the Fair Labor Standards Act and to amend Title VII of the Civil Rights Act of 1964. In

short, there is nothing in this record to indicate that Mr. Eide would energetically enforce the statutory protections of the FSLMRS, if confirmed as General Counsel.

The General Counsel of the FLRA operates, to a large extent, without review by the members of the Authority or by any court. If he refuses to pursue allegations of misconduct, the injured entity has no other legal recourse. This broad prosecutorial discretion makes the incumbent an extremely powerful figure in the federal sector labor relations. It should not be entrusted to one whose career has been devoted to advocacy of diminution of statutory protections for workers.

NTEU therefore asks you to oppose the nomination of Peter Eide to be General Counsel of the FLRA.

Sincerely yours,

COLLEEN M. KELLEY,  
National President.

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO  
April 9, 2003, Washington, DC.

The Hon. RICHARD DURBIN,  
Committee on Governmental Affairs,  
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: On behalf of the American Federation of Government Employees, AFL-CIO, I am writing to express our opposition to the nomination of Peter Eide to be General Counsel of the Federal Labor Relations Authority (FLRA).

The General Counsel of the FLRA is, in effect, the chief prosecutor of unfair labor practices. Over 80 percent of unfair labor practices in the federal sector are filed by unions. The General Counsel of the FLRA, therefore, is primarily called upon to enforce the labor statute on behalf of unions. Mr. Eide's career, for over the past decade, would indicate that he is ideologically incapable of performing this task.

In this regard, our review of his resume clearly shows that Mr. Eide has spent the last twelve years working for the Chamber of Commerce as the chief architect of every Chamber effort opposing every labor initiative. From his opposition to Senator Edward Kennedy's ergonomics initiative to promoting a diminution of Fair Labor Standards Act and Equal Employment Opportunity protections, Mr. Eide's efforts have been dedicated 100% of the time to opposing the labor movement and worker-friendly statutes.

Section 7101, the "findings and purpose" section of the Federal Service Labor-Management Relations statute, states that:

"(a) The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

(A) safeguards the public interest.

(B) contributes to the effective conduct of public business, and

(C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment; and

(2) the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.

Therefore, labor organizations and collective bargaining in the civil service are in the public interest."

AFGE respectfully submits that Mr. Eide's entire adult career is inexorably inconsistent and opposed to the stated Congressional

"findings and purpose" of Section 7101, and his nomination should be opposed.

Sincerely,

BOBBY L. HARNAGE, SR.,  
National President.

#### MEASURES READ FOR FIRST TIME—H.R. 6 AND H.R. 1298

Mr. McCONNELL. Mr. President, I understand that H.R. 6 and H.R. 1298 are at the desk, and I ask for their first reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Mr. McCONNELL. I ask for their second reading and object to further proceedings on the matters.

The PRESIDING OFFICER. The objection is heard. The bills will remain at the desk.

#### UNANIMOUS CONSENT AGREE- MENT—EXECUTIVE CALENDAR

Mr. McCONNELL. As in executive session, I ask unanimous consent that on Wednesday, May 7, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session to consider Calendar No. 6, the NATO expansion treaty on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; further, that the nine committee-recommended declarations and three understandings be considered agreed to; there then be 4 hours for debate equally divided between the chairman and the ranking member; provided further that the only amendments in order be the following: a Warner-Levin-Roberts on a consensus, a Levin-Warner on suspension, and a Dodd on administrative structure.

Further, there be 60 minutes equally divided on each of the amendments, with relevant second degrees in order and limited to 60 minutes as well. I further ask that following the disposition of the above amendments and the use or yielding back of time, the resolution of ratification be temporarily set aside; provided further that the Senate then proceed to a vote on the adoption of the resolution of ratification on Thursday, May 8, at a time determined by the leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. Mr. President, I apologize to the distinguished majority whip, but

we just received a call from one of the senior Senators indicating at this stage we cannot agree to the expansion of NATO. I will be happy to work with my friend because this is something on which Senator BIDEN wants to move forward. We will do the best we can, but we just received a call. I will give the name of the Senator to my friend at a subsequent time.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. I ask the assistant Democratic leader, then, is it hoped we can work this out in the morning?

Mr. REID. I think we can work it out fairly easily by tomorrow noon or something. If the Senator wanted to stay around for a little bit, we might work on it tonight.

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#### ORDERS FOR TUESDAY, MAY 6, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m., Tuesday, May 6. I further ask that following the prayer and the pledge, the morning hour be deemed expired and the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees and with Members permitted to speak for up to 10 minutes each; provided that at 10:30 a.m., the Senate proceed to the consideration of S. 14, the energy bill, as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate will begin the consideration of the energy bill. Under the previous agreement, no amendments will be in order to the bill until Thursday, but Members are encouraged to come to the floor to debate the bill.

In addition to the energy bill, the Senate may begin consideration of any of the following items tomorrow: State Department reauthorization bill, the air cargo security bill, the FAA reauthorization bill, the NATO expansion treaty, as well as any nominations that can be cleared. Therefore, Members should anticipate rollcall votes during tomorrow's session. I encourage Members to plan for a busy week with votes possible each day.

I am going to put in a quorum call in the hopes that we can work out the agreement under which we were going to go to the NATO expansion bill before we leave tonight.

Mr. REID. I say to my friend, we should be able to do this in the next few minutes, one way or the other.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I renew my previous unanimous consent request related to the treaty consent of NATO expansion, with the following proviso: Provided further that the only amendments in order be the following: Warner-Levin-Roberts consensus sus-

pension, 90 minutes equally divided; Dodd, administrative structure, 60 minutes equally divided, with relevant second degrees in order and limited to 60 minutes as well.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the way I read this, we save 30 minutes. Isn't that right? It is.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, as I said earlier, looking at the remainder of the week, in addition to the energy bill, the Senate may begin consideration of any of the following items tomorrow: State Department reauthorization bill, the air cargo security bill, the FAA reauthorization bill, the NATO expansion treaty, as well as any additional nominations that can be cleared. Therefore, Members should anticipate rollcall votes during tomorrow's session. I encourage all of our Members to plan for a very busy week with votes possible each day.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Tuesday, May 6, 2003, at 9:30 a.m.

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#### CONFIRMATION

Executive Nomination Confirmed by the Senate May 5, 2003:

##### THE JUDICIARY

DEBORAH L. COOK, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.